

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL B. SIGAL, : CIVIL ACTION

Plaintiff, : No.

v. :

THE GENERAL AMERICAN LIFE :
INSURANCE COMPANY, THE PAUL :
REVERE LIFE INSURANCE COMPANY, and:
UNUM GROUP, :

Defendants. :

NOTICE OF REMOVAL

Defendants The General American Life Insurance Company (“General American”), The Paul Revere Life Insurance Company (“Paul Revere”), and Unum Group file this Notice of Removal pursuant to 28 U.S.C. § 1441 based on the District Court’s jurisdiction under 28 U.S.C. § 1332, and state:

1. Defendants exercise their rights under 28 U.S.C. § 1441 to remove this civil action from the Court of Common Pleas, Allegheny County, Pennsylvania, in which this action is now pending, under the name of *Michael B. Sigal v. The General American Insurance Company, et al.*, Docket No. GD-13-000035, to the United States District Court for the Western District of Pennsylvania. Removal is proper because, as outlined below, the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

2. Pursuant to 28 U.S.C. § 1446(a), Defendants have attached as Exhibit A to this Notice of Removal the Plaintiff’s Complaint filed on January 2, 2013.

3. Plaintiff's Complaint alleges that he was insured under two individual disability insurance policies issued by Paul Revere, and one individual disability policy issued by General American (collectively, the "Policies") (Complaint, ¶¶ 15-17), that he became disabled beginning in or around 2004 (Complaint, ¶ 26), and that his initial claim for disability benefits was denied in 2005. (Complaint ¶ 28).

4. Plaintiff further alleges that in June 2010 he submitted a "renewed" claim for benefits under the Policies seeking benefits for (a) the period of July 1, 2004 through April 5, 2010 and (b) the period after April 5, 2010. (Complaint at ¶¶ 46-48).

5. Plaintiff alleges that the "renewed" claim submitted in 2010 was denied on November 18, 2010. (Complaint at ¶ 49).

6. Plaintiff seeks damages including all benefits under the Policies that are allegedly due from July 1, 2004 to the present. (Complaint at ¶¶ 68 and 81).

7. The Policies provide for possible monthly benefits in the amounts of \$3,800.00. (Complaint, Exhibit A at "Policy Schedule"), \$1,000.00 (Complaint, Exhibit B at "Policy Schedule"), and \$3,000.00. (Complaint, Exhibit C at "Policy Schedule").

8. Because Plaintiff seeks aggregate monthly benefits of \$7,800.00 a month from July 1, 2004 to the present, these allegations clearly satisfy the amount in controversy requirement under 28 U.S.C. § 1332 because the alleged damages Plaintiff seeks exceed \$75,000.00 (although Defendants deny the validity of Plaintiff's allegations).

9. The diversity of citizenship requirements of 28 U.S.C. § 1332 are also satisfied as Plaintiff is a citizen of the Commonwealth of Pennsylvania (Complaint, ¶ 1) while none of the Defendants were incorporated in Pennsylvania or have their principal places of business in Pennsylvania (Complaint, ¶¶ 3-7).

10. Plaintiff filed his Complaint on January 2, 2013.
11. This Notice of Removal has been filed within thirty days of receipt of the Complaint by Defendants, which was the initial pleading setting forth the basis for the Court's jurisdiction.
12. All adverse parties to this action have been provided with written notice of the filing of this removal, as provided by 28 U.S.C. § 1446(d), as evidenced by the attached Certificate of Service.
13. Defendants will cause to be filed with the Allegheny County Court of Common Pleas a copy of this Notice of Removal, as provided by 28 U.S.C. § 1446(b), promptly after filing in this Court.

WHEREFORE, Defendants respectfully request that this action be removed to this Court in accordance with 28 U.S.C. § 1441.

STEVENS & LEE, P.C.

Dated: January 31, 2013

By: /s/ E. Thomas Henefer
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Attorneys for Defendants, The General American Life Insurance Company, The Paul Revere Life Insurance Company and Unum Group

CERTIFICATE OF SERVICE

I, E. Thomas Henefer certify that on this date I served a true and correct copy of the foregoing Notice of Removal upon the following counsel of record, by depositing the same in the United States mail, postage prepaid, addressed as follows:

Office of the Prothonotary
Court of Common Pleas
Allegheny County
700 City-County Building
414 Grant Street
Pittsburgh, PA 15219

And

Robert O. Lampl
960 Penn Avenue
Suite 1200
Pittsburgh, PA 15222

Date: January 31, 2013

/s/ E. Thomas Henefer
E. Thomas Henefer